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FROM THE AMBASSADOR FOR EAP A/S HILL AND G/TIP DIRECTOR
AMB. LAGON

E.O. 12958: DECL: 08/15/2017

TAGS: PHUM PGOV PREL KCRM MY

SUBJECT: REASSESSING MALAYSIA'S EFFORTS TO COMBAT
TRAFFICKING IN PERSONS

REF: KUALA LUMPUR 1236 (MALAYSIA ENACTS COMPREHENSIVE

ANTI-TIP LAW)

Classified By: Ambassador Christopher J. LaFleur for
reasons 1.4 (b and d).

¶11. (C) The Malaysians have made significant progress in implementing items contained in the action plan we provided them in 2006, and we should return them from Tier 3 to the Tier 2 Watch List in connection with the September review. We recognize that trafficking in Malaysia remains serious. We nevertheless believe that the best way to ensure vigorous Malaysian implementation of their new law and to elicit further Malaysian cooperation in combating trafficking is to phase out punitive measures in favor of a more cooperative approach. If we demonstrate we respond to real progress and avoid conveying the impression that we are moving the goalposts on them, we believe we will be better able to secure the high-level GOM cooperation we need to make a real impact on trafficking here.

¶12. (C) In 2006 we provided an anti-TIP action plan to the Malaysians as a result of our decision to downgrade their TIP status to Tier 2 Watch List. In the short term we asked the Malaysians to "begin drafting comprehensive anti-trafficking legislation that defines trafficking and criminalizes all acts of trafficking. . ." On July 26 Malaysia exceeded this goal and joined only 41 other countries to have enacted a comprehensive anti-trafficking in persons law. The new law provides robust definitions and serious penalties for traffickers, including confiscation of assets. While not perfect, the bill represents a major step forward in Malaysia's commitment to fighting trafficking. In addition, when the new law was being debated in Parliament, the de facto Law Minister, Nazri Aziz acknowledged that with its passage Malaysia would be prepared to ratify the U.N. Protocol to Prevent and Punish Trafficking in Persons, especially Women and Children. Never before has Malaysia indicated a willingness to accede to this Protocol.

¶13. (C) We asked the Malaysians in our short term action plan "to open the planned government shelter for foreign victims of trafficking." We also asked the GOM "to increase efforts to screen and identify trafficking victims . . . and implement a referral mechanism to provide identified victims . . . adequate shelter and care." The new law establishes mechanisms for the care and protection of victims. We expect the two shelters to be opened and operational in September, as stated by numerous Malaysian officials, including the women's shelter supervisor. A member of my staff has visited the shelters and evaluated them as physically ready for operations. With regard to screening, we are working with USDOJ/ICITAP to complement training by local NGOs and the Attorney General's Office in victim identification training.

The shelter openings will further facilitate the achievement of the latter action item.

¶4. (C) As another measure in our action plan, we strongly urged that senior Malaysian officials, including the Prime Minister, take public stands on the need to combat trafficking. Senior government officials have committed publicly to combat trafficking. When discussing the passage of the new law, Prime Minister Abdullah Badawi stated that his government "hope(s) to drastically reduce human trafficking. It is a crime that has to be stopped." The Prime Minister's comments to the press in reaction to our June TIP finding were forward looking. He remarked that "I've read the report. We did whatever we could, but it was not enough. That's why we decided the (anti-TIP) bill was necessary." Similarly, Malaysia's Women's Minister Shahrizat Jalil publicly characterized TIP as one of the world's "worst crimes and must be dealt with accordingly." Even Foreign Minister Hamid, whose initial reaction to Malaysia's Tier 3 ranking revealed his exasperation with the process, concluded that "trafficking in persons is wrong" and "the law against human trafficking is going to be passed."

¶5. (C) Activists around the country are encouraged by the positive movement we are seeing on the subject. Activists in Malaysia agree with the conclusion that Malaysia has taken significant steps forward, even as they help to highlight the on-going trafficking crimes and victims here. Indonesia's embassy spokesman called the new law "a big step" and Malaysia's largest migrant labor NGO, Tenaganita, called the law "a real success story" and labeled the law "tough on offenders and comprehensive in its reach." Anti-trafficking is emerging as a new human rights concern for the Malaysian public, and awareness means success.

¶6. (C) I encourage you to take note of the positive and significant steps which the Government of Malaysia has taken to bring itself into compliance with the minimum standards to eliminate trafficking in persons. Malaysia must do more, but clearly Malaysia is far ahead of where it was only a year ago. It is proper now that we demonstrate we can and do respond to serious effort and return Malaysia to the Tier 2 Watch List. This will increase the credibility of our process here, and we judge will encourage the GOM to re-engage with us more visibly at senior levels and to prove their commitment to combating TIP with proper investigations, prosecutions and sentencing of traffickers under the new law. This will be our best guarantee that we develop meaningful cooperation with Malaysia to combat trafficking in persons.

LAFLEUR